IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2377 OF 2005

Chand Hussain Shaikh & Ors ...Petitioners

Versus

The State of Maharashtra & Anr ...Respondents

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Ms. S.M. Tekawade i/b R.C. Mishra, Advocate for Petitioners

Mr. V.B. Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 19TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners have prayed for quashing of process issued against them in Criminal Case No. 123/SS/2005 which is pending in the Court of learned Metropolitan Magistrate, 49th Court, Vikhroli, Mumbai. In the said case, process has been issued against the petitioners under Section 341, 504 r.w. 34 of I.P.C.

3. For the reasons recorded in the decision of this Court in the case of **V.K. Jain & Ors. Vs. Pratap**

Vs. Padode and Anr, reported in 2005(3) Mh.L.J. 778, in my opinion, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer revision before the concerned Sessions Court. The learned advocate for the petitioners states that the necessary revision would be preferred within a period of five weeks from today. I am informed that the date before the trial Court is on 25.10.2005. In view of this statement, the trial Court shall not proceed with the trial on 25.10.2005 and for a period of four weeks thereafter.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ Petition is disposed of.

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